

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 2

#### GOVERNMENT OF GOA

Department of Law & Judiciary

Law (Establishment) Division

#### Notification

6/28/92/LD (Misc. I) (Part)

The following Notification received from the Goa State Legal Services Authority dated 23-1-98 is hereby published for the general information of the public.

N. B. Narvekar, Under Secretary (Law).

Panaji, 10th March, 1998.

#### Notification

GOA/SLSA/3/1/98

The Goa State Legal Services Authority  
Regulations, 1998

In exercise of the powers conferred under the provisions of Section 29A of the Legal Services Authorities Act, 1987 and in consultation with the Hon'ble The Chief Justice of Bombay High Court, the State Legal Services Authority hereby makes the following Regulations.

#### CHAPTER I

#### Preliminary

1. *Short title and commencement.*— These Regulations may be called Goa State Legal Services Authority Regulations and they shall come into force from the date of publication in the Goa Government Gazette.

2. *Definitions.*— In these Regulations, unless the context otherwise requires :—

(a) "Act" means, the Legal Services Authorities Act, 1987 (No. 39 of 1987);

(b) "Chairman" means the Executive Chairman of the State Authority, or the Chairman of the High Court Legal Services Committee, or the Chairman of the District Legal Services Authority, or the Chairman of Taluka Committee, as the case may be;

(c) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;

(d) "High Court Committee" means the High Court Legal Services Committee for Goa State constituted under Section 8A of the Act;

(e) "Legal Practitioner" shall have the meaning assigned to that expression in the Advocates Act, 1961 (Act No. 25 of 1961);

(f) "Member" means a member of the State Authority or High Court Committee or District Authority or the Taluka Committee, as the case may be;

(g) "Nominated Member" means a member nominated to the State Authority or High Court Committee or the District Authority or the Taluka Committee, as the case may be;

(h) "Patron-in-Chief" means the Chief Justice of the High Court of Bombay;

(i) "Rules" means the Goa State Legal Services Authority Rules, 1996;

(j) "Secretary" means the Member Secretary of the State Legal Services Authority or the Secretary of the High Court

Legal Services Committee, or the Secretary of the District Legal Services Authority, as the case may be;

(k) "State Authority" means the Goa State Legal Services Authority constituted under Section 6 of the Act;

(l) "Taluka Committee" means the Taluka Legal Services Committee constituted under Section 11A of the Act;

(m) All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed thereunder.

## CHAPTER II

### Executive Authority

3. *Vesting of the Executive Authority.*— (1) The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised by him through the Member-Secretary who shall act under the control of the Executive Chairman:

Provided that the Patron-in-Chief may in respect of any decision to be taken give such advice as is deemed necessary.

(2) The Executive Authority of the High Court Legal Services Committee shall vest in its Chairman and may be exercised by him through the Member-Secretary who shall act under the control of the Executive Chairman.

(3) The Executive Authority of the District Authority shall vest in its Chairman and may be exercised by him through its Secretary who shall act under the control of the Chairman.

(4) The Executive Authority of the Taluka Committee shall vest in its Chairman and may be exercised either by himself or through such other officer who is chosen for the purpose.

## CHAPTER III

### State Authority

4. *Functions of the State Authority under the Act.*— In addition to the functions to be performed by the State Authority under the Act, the State Authority may also perform the following additional functions :—

(i) The State Authority may conduct legal literacy camps in different parts of the State with a view to transmitting knowledge about the legal aid schemes conducted in the State and with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and the weaker sections of the society.

(ii) The State Authority may finance public interest litigations before appropriate courts in the State if the State Authority is prima facie satisfied that such litigations are for the general benefit of a large body or class of persons who cannot by themselves take recourse to law due to penury, illiteracy or other similar reasons.

(iii) The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other social service organisations.

(iv) The State Authority may also establish or direct the District Authority to establish, standing conciliation Committees at various centres in the State, with a view to providing permanent or quasi-permanent infrastructures for resolving legal disputes between the parties, whether they may be pending in courts or may be in the offing. For conducting such committees it will be open to the State Authority to take active assistance/support of such social service organisations that have zeal for legal aid work.

(v) The State Authority may call for periodical reports, returns and other information as it thinks fit from the High Court Legal Services Committee, District Authority and Taluka Committee.

## CHAPTER IV

### High Court Legal Services Committee

*Constitution of the High Court Legal Service Committee, its powers and functions, as per section 8A(i) of the Act*

5. *Duties and functions of the High Court Legal Services Committee.*— The High Court Legal Services Committee shall perform all or any of the following functions, namely :—

(i) Give free legal service to persons who may have to file or defend litigations pending in the High Court and who satisfy the eligibility criteria laid down for the purpose of receiving free legal aid under the Act.

(ii) Conduct, under the supervision of the State Authority, Lok Adalats for settlement of cases pending in the High Court.

6. *The Constitution of the High Court Legal Service Committee.*— The State Authority shall constitute a Committee called the High Court Legal Services Committee consisting of a sitting Judge of the High Court who shall be nominated by the Patron-in-Chief as Chairman and the following other members also to be nominated by the Patron-in-Chief:-

(i) The President of the Goa High Court Bar Association.

(ii) One Member of the Goa High Court Bar Association having at least 10 years of standing at the Bar.

(iii) One serving or retired eminent Law teacher.

(iv) An eminent social worker engaged in welfare of the weaker sections of the people including Schedule Caste, Schedule Tribe or Member of Other Backward Classes.

(v) An eminent person in the field of Law.

(vi) A person of repute and standing who is interested in the implementation of the Legal Service Schemes.

7. *Terms of Office of the Members and Secretary of the High Court Legal Services Committee.*— (1) The term of the Office of the Secretary and the Members of the High Court Committee shall be of 2 years unless earlier, terminated by the Patron-in-Chief.

(2) All Members of the Committee except the Secretary shall function in the honorary capacity.

(3) If any member including the Chairman ceases to be the member of the High Court Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member or the Chairman, as the case may be, for the remaining term of the member or the Chairman in whose place he is nominated.

(4) A member of the High Court Legal Services Committee may resign his Office by writing under his hand addressed to the Patron-in-Chief through the Executive Chairman of the State Authority and forwarded by the Chairman of the High Court Committee.

#### CHAPTER V

##### District Authority

8. *Term of the Office of the Members of the District Authority.*— (1) The term of the Office of the members and the Secretary of the District Authority shall be for a period of 2 years.

(2) If any member of the District Authority ceases to be the member for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member for the remaining term of the member, in whose place he is nominated.

(3) A member of the District Authority may resign his Office by writing under his hand addressed to the State Government, through the Executive Chairman of the State Authority and forwarded through the Chairman of the District Authority. The resignation shall take effect from the date on which it is accepted.

9. *Removal of the Member from the Office of the District Authority.*— (1) The State Government may on the recommendation of the Patron-in-Chief and in consultation with the Executive Chairman of the State Authority remove any nominated member from the District Authority.

(2) All members of the District Authority except its Secretary shall function in an honorary capacity.

10. *The additional functions of the District Authority.*— In addition to the functions assigned by the provisions of the Act and the Rules, the District Authority shall perform the following functions subject to the general superintendence and control of the State Authority :—

(i) Shall perform such other functions as the State Authority may fix by Regulations from time to time and shall also be guided by such directions as Central Authority or the State Authority may give to it in writing from time to time;

(ii) Conduct legal literacy camps in different areas of the District, especially in rural and tribal area with a view to transmitting knowledge about the legal aid schemes conducted in the State and also with a view to spreading consciousness about the legal rights and duties of the citizens with special references to tribal and rural population and/or women/or children/or disabled/or handicapped and the weaker sections of the society;

(iii) Conduct legal aid clinics in different parts of the District in collaboration with Law Colleges, Universities and other social service organisations;

(iv) Supervise, direct and guide the working of the Taluka Committee in the District;

(v) Call for from the Taluka Committees in the District such periodical reports, returns and other information as it may think fit or as are required by the State Authority;

(vi) Prepare, consolidate and submit such report, returns and such information, in respect of District Authorities, as the State Authority may call for;

(vii) Receive applications for Legal Services and ensure that every application is promptly processed and disposed of;

(viii) Consider the cases brought before it for Legal Service, including pre-litigation matters and decide as to what extent Legal Services can be made available to the applicant;

(ix) Persuade the parties to appear and make efforts to bring about a just settlement between them and if necessary also refuse the legal services, if, in its opinion the conciliation has failed due to any fault on the part of the applicant;

(x) Encourage and promote conciliation and settlement in all legal proceedings, including pre-litigations;

(xi) Take proceedings for recovery of costs awarded to a person to whom legal services were rendered;

(xii) May, on an application made to it, review the cases where legal services are refused by the Taluka Committee.

#### CHAPTER VI

##### Taluka Committee

11. *Term of Office and other conditions relating thereto of Members of the Taluka Committee.*— (1) The term of Office of the members of the Taluka Committee shall be for a period of two years.

(2) If any member of the said Committee ceases to be such member for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be the member for the remaining term of the member in whose place he is nominated.

(3) A member of the said Committee may, resign his Office by writing under his hand addressed to the Executive Chairman

of the State Authority and forwarded through the Chairman of the District Authority under intimation to the Chairman of the Taluka Committee. Such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority.

12. *Removal of the Member from the Office.*— A nominated member of the Taluka Committee shall be removed by the State Government on the recommendation of the Executive Chairman of the State Authority.

#### CHAPTER VII

##### Conduct of Business

13. *Meetings.* — (1) The Member-Secretary of the State Authority, with the prior approval of the Executive Chairman, shall call meeting of the Authority at least once in a month and as and when the business may warrant.

(2) The Secretary of the High Court Committee, with prior approval of its Chairman, the Secretary of the District Authority, and the Chairman of the Taluka Committee, as the case may be, shall call meetings of the respective bodies at least once a month and as frequently as the business may warrant.

(3) In the absence of the Executive Chairman of the State Authority or of the Chairman of the High Court Committee, the District Authority or the Taluka Committee as the case may be, one of the member chosen by the Members present at the meeting shall preside over the meeting of the respective bodies.

14. *Minutes of the meeting.*— (1) The Minutes of the proceedings of every meeting shall be prepared by the Member-Secretary.

(2) The Secretary of the State Authority, Secretary of the High Court Committee, Secretary of the District Authority, as the case may be, as soon as possible, after the meeting and after obtaining the approval of the respective Chairman, shall circulate the minutes to the members.

(3) The minutes shall be confirmed and signed by the respective Chairman unless any member who was present at the meeting to which the minute relates, raises an objection, to the minutes, as having been incorrectly or incompletely recorded and has communicated his objection in writing to the Member-Secretary or the Secretary, as the case may be, within 7 days of the receipt of the minute by him or her. Any objection received shall be considered by the respective Chairman of the bodies who may make such modification in the minutes, as thought proper and the modified minutes shall then be confirmed and signed by the respective Chairman.

(4) The State Authority may, on application made to it, review the cases where legal services are refused by the District Authority.

15. *Expenditure for the Meeting.*— (a) The Member-Secretary of the State Authority is authorised to spend an amount not exceeding Rs. 5000/- (Rupees Five Thousand only) for a meeting of the State Authority and an amount not exceeding Rs. 3000/- (Rupees Three Thousand only) for a meeting of any Sub-Committee, from out of the Legal Aid Funds.

(b) The Member-Secretary may sanction an amount not exceeding Rs. 3000/- (Rupees Three Thousand only) for each meeting of the High Court Committee on the requisition of the Secretary of the Committee.

(c) The Chairman of the District Authority may incur an expenditure not exceeding Rs. 2000/- (Rupees Two Thousand only) for a meeting of the District Authority.

(d) The Chairman of the District Authority is authorised to sanction an amount not exceeding Rs. 1000/- (Rupees One Thousand only) from out of the District Legal Aid Fund for each meeting of the Taluka Committee on the requisition of the Chairman of the Taluka Committee.

#### CHAPTER VIII

##### Legal Aid

16. *Filing of Application for Legal Services.*— A person seeking legal services by the High Court Legal Services Committee, District Authority or the Taluka Committee, as the case may be, shall send an application under affidavit containing the brief facts of the case, and where the applicant is a person as in Section 12(h) of the Act, not being one under any other classes of that Section, the Affidavit shall also state the details of the properties possessed by him and his annual income from all the sources.

17. *Scrutiny of Applications.* — The applications shall be scrutinised and disposed of by the Secretary of the High Court Committee, by the Secretary of District Authority and by the Chairman of the Taluka Committee, as the case may be, giving such directions and allowing of such legal services as are thought necessary:

Provided that all orders passed by the Secretary of the High Court Committee or of the District Authority rejecting legal services shall be passed after obtaining order of the respective Chairman:

Provided further that all orders of grant of Legal Services by the Secretary of the High Court Committee of the District Authority shall be subject to control and modifications by the Chairman of the respective bodies.

18. *Duty of Legal Practitioner to take further Action, after the decision of a case by the Court.*— The legal practitioner conducting a case or on behalf of a person receiving the services shall, as soon as the case is decided, apply for a copy of judgment and decree if any, and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. The Taluka Committee, the District Authority or the High Court Committee, as the case may be, shall take steps to recover the expenses of the services rendered from and out of the costs, if any, awarded by the court to the person concerned and received by him. Such bodies may also consider, where necessary, the feasibility of filing any appeal, revision or a Writ Petition if —

- i) the case has been decided against the person;
- ii) the case is prima facie fit for taking such remedies;
- iii) the aided person has applied for legal services for taking recourse to such remedies;

Provided that it will not be necessary to make a fresh enquiry as to eligibility under Section 12(h) of the Act, wherever applicable, unless the Taluka Committee, the District Authority or the High Court Committee, as the case may be, is of the opinion that a change of circumstances has taken place since the grant of the legal services.

19. *The fees payable to the Legal Practitioners appearing in the High Court matters.*— The fees payable to the Legal Practitioners, representing the parties, in the matters to be filed, conducted, assigned by the High Court Legal Services Committee, shall be as per the Schedule I, appended to these Regulations:

Provided that, for reasons to be recorded in writing, the Presiding Judge may award a higher fee.

20. *The fees payable to the Legal Practitioners appearing in the District Court matters.*— The fees payable to the Legal Practitioners, representing the parties, in the matters to be filed, conducted, assigned by the District Legal Services Authority, shall be as per the Schedule II, appended to these Regulations:

Provided that, for reasons to be recorded in writing, the Presiding Judge may award a higher fee.

21. *The fees payable to the Legal Practitioners appearing in the Taluka Civil and Criminal Courts.*— The fees payable to the Legal Practitioners, representing the parties, in the matters to be filed, conducted, assigned by the Taluka Legal Services Committee, shall be as per the Schedule III, appended to these Regulations:

Provided that, for reasons to be recorded in writing, the Presiding Judge may award a higher fee.

The Goa State Legal Services Authority Regulations:

SCHEDULE I

(Vide Regulation No. 19)

I. High Court Legal Services Committee:	Minimum (per case) Rs.	Maximum (per case) Rs.
Writ Petition in the High Court	500-00	700-00
Writ Appeal in the High Court	600-00	800-00
Letters Patent Appeal	600-00	800-00
Second Appeal in the High Court	500-00	750-00
First Appeal in the High Court	600-00	800-00
Appeal from Order	200-00	300-00
Civil Miscellaneous Application	100-00	100-00
Civil Revision Petition	200-00	300-00

Criminal Appeal	250-00	500-00
Criminal Revision	200-00	300-00
Criminal Miscellaneous Application	100-00	100-00

The Goa State Legal Services Authority Regulations:

SCHEDULE II

(Vide Regulation No. 20)

I. District Legal Services Committee:	Minimum (per case) Rs.	Maximum (per case) Rs.
Sessions Case	400-00	600-00
Criminal Appeal	200-00	300-00
Criminal Revision	100-00	150-00
Regular Civil Appeal	300-00	400-00
Miscellaneous Civil Appeal	200-00	300-00
Motor Accident Claim Petitions	300-00	500-00
Miscellaneous Civil Application	50-00	100-00
Miscellaneous Criminal Application	50-00	100-00

The Goa State Legal Services Authority Regulations:

SCHEDULE III

(Vide Regulation No. 21)

I. Taluka Legal Services Committee:	Minimum (per case) Rs.	Maximum (per case) Rs.
Special Civil Suit filed in the Court of Civil Judge, Sr. Division	400-00	600-00
Regular Civil Suits filed in the Court of Civil Judge, Sr. Division/Civil Judge, Jr. Division	300-00	400-00
Regular Criminal Case	200-00	300-00
Criminal Cases to be tried summarily	100-00	150-00
Miscellaneous Civil Application	50-00	100-00
Miscellaneous Criminal Application	50-00	100-00

Panaji, 23rd January, 1998.

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